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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,376	06/24/2003	Hui-Kai Chou	JCLA11125	4735

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J C PATENTS, INC.
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EXAMINER

PAYNE, SHARON E

ART UNIT PAPER NUMBER

2875

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,376

Applicant(s)

CHOU ET AL.

Examiner

Sharon E. Payne

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 04033202 A (hereinafter "Amano").

Regarding claim 13, Amano discloses a frame (Fig. 1, bottom), at least two U-shaped lamp tubes disposed inside the frame (Fig. 2), wherein the two U-shaped lamp tubes are respectively positioned at two sides of the frame (Fig. 2) and do not cross the center of the frame (Fig. 2), and a diffusion plate (Fig. 1, reference number 15) positioned inside the frame above the lamp tubes (Fig. 3).

Concerning claim 14, Amano discloses the electrodes (reference number 8a and 8b) of the U-shaped lamp tube inside each lamp tube module facing the bottom section of the frame just underneath the lamp tubes (Fig. 3).

Regarding claim 15, Amano discloses the electrodes (reference number 8a and 8b) of the U-shaped lamp tube inside each lamp tube module facing of the side edges of the frame (Fig. 4).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 4-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 04033202 A (hereinafter "Amano") in view of Goebel (U.S. Patent 2,625,646).

Regarding claim 4, Amano discloses a plurality of lamp tube modules (Fig. 2), wherein each lamp tube module is disposed inside a frame (1 in Fig. 2) and comprises at least two U-shaped lamp tubes (Fig. 2), and a diffusion plate positioned inside the frame set above the lamp tubes (reference number 15, Fig. 1). Amano does not disclose a plurality of frames.

Goebel discloses a frame set comprising modular frames (Fig. 21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the modular frame set of Goebel for the lighting units Amano in order to provide standardized fixture units which may be arranged as desired. See column 1, lines 41-49, of Goebel.

Concerning claim 5, Amano discloses the electrodes (reference number 8a and 8b) of the U-shaped lamp tube inside each lamp tube module facing the bottom section of the frame just underneath the lamp tubes (Fig. 3).

Regarding claim 6, Amano discloses the electrodes (reference number 8a and 8b) of the U-shaped lamp tube inside each lamp tube module facing of the side edges of the frame (Fig. 4).

Concerning claim 7, Amano discloses the U-shaped lamp tubes within each lamp tube module being symmetrically positioned inside the frame (Fig. 2).

Regarding claim 8, Amano discloses the U-shaped lamp tubes within each lamp tube module being alternately positioned inside the frame (Fig. 2).

Concerning claim 9, Amano discloses the lamp modules forming an array inside the frame (Fig. 2).

Regarding claim 10, Amano discloses the lamp tube modules being laid down in columns inside the frame (Fig. 2).

Concerning claim 11, Amano discloses a reflecting plate (reference number 1) positioned on the bottom section of the frame (Fig. 3). (The casing, reference number 1, is made of metal.)

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amano and Goebel as applied to claim 4 above, and further in view of Winston et al. (U.S. Patent 6,335,999).

Regarding claim 12, Amano does not disclose optical plates on the diffusion plate. Winston et al. discloses a plurality of optical plates (reference numbers 214 and 216) placed over (on) the diffusion plate (reference number 213, Fig. 12N).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Winston et al. in the apparatus of Amano and Goebel to

process the light further after it exits the diffusion layer so that the light has the desired characteristics. See Fig. 12N of Winston et al.

Response to Arguments

7. Applicant's arguments with respect to claims 4-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

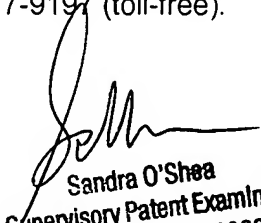
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sep



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